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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,141

09/29/2005

Dennis Karlsson

95726-P1790

3957

20736 7590 03/08/2007  
MANELLI DENISON & SELTER  
2000 M STREET NW SUITE 700  
WASHINGTON, DC 20036-3307

EXAMINER

ISLAM, SYED A

ART UNIT

PAPER NUMBER

3611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,141	<b>Applicant(s)</b> KARLSSON, DENNIS	
	<b>Examiner</b> Syed A. Islam	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connecting means as claimed in claim 25, a male or female element and an erecting device as claimed in claim 26 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 29 and 32-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 29 and 34 recite the limitation "said erecting device" in line 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

In claims 32-35, the terms "profiled element" and "extruded profiled element" in line 2 is indefinite. The applicant fails to describe in specification what is profiled and what extruded profiled element. After failing to find a definite meaning of the terms by the examiner, the examiner points out the term is being indefinite and a detailed description is required. Therefore, no further weight is given to the limitations.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Trusiani (5,369,553).

Trusiani teaches that an edge-illuminated electric sign 10 (col. 2, line 21; see fig. 1) comprising a figure that is luminous when illuminated. Regarding the manufacturing method no weight is given to it since it product-by-process claim. See the following paragraph from MPEP for details.

Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)

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(citations omitted) (Claim was directed to a novolac color developer. The process of making the developer was allowed. The difference between the inventive process and the prior art was the addition of metal oxide and carboxylic acid as separate ingredients instead of adding the more expensive pre-reacted metal carboxylate. The product-by-process claim was rejected because the end product, in both the prior art and the allowed process, ends up containing metal carboxylate. The fact that the metal carboxylate is not directly added, but is instead produced in-situ does not change the end product.).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trusiani in view of Williams (US 6,407,361).

Regarding claim 16, Trusiani discloses that a manufacturing method for production of an edge illuminated sign 10 with one or more figures 14 (col. 2, line 26; see fig. 1) having a large relief effect and a strong luminescence, the method comprising controlling a laser beam by using a master program 46 (col. 3, line 30; see fig. 5) that makes the laser beam scan a line pattern 40 (col. 3, line 16; see fig. 5) at the same time as the laser beam is modulated by a frequency that controls the amplitude of the input power to the laser and thereby creates a screen pattern at the same time as an image program is superposed the amplitude- controlled scanning frequency.

However, Trusiani fails to disclose that input laser power with amplitude variations proportional to the desired figure will burn at different depths and thereby give a relief of the figure,

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in the sign. Williams teaches that input laser power with amplitude variations (col. 3, line 25-30) proportional to the desired figure will burn at different depths and thereby give a relief 110 (col. 3, line 54; see fig. 2) of the figure, in the sign. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Williams to the invention of Trusiani for the purpose of creating a relief effect of 3D view.

Regarding claim 17, Trusiani discloses that lines of the line pattern 40 (col. 3, line 16; see fig. 5) have a distance from each other that is essentially equal to the length of the screen pattern (see fig. 5).

Regarding claim 18, Trusiani discloses the claimed invention except for lines of the line pattern have a distance from each other that is essentially equal to about 0.1 mm. However, the applicant has failed to mention the reason for having this limitation in the specification. As it appears, the invention will work equally with more or less than 0.1 mm. It would have been obvious to one of ordinary skill in the art at the time of invention to make the line patterns at any distance as desired.

Regarding claim 19, Trusiani discloses that the lines of the line pattern have a distance from each other that is different from the length of the screen pattern. See fig. 5.

Regarding claim 20, Trusiani discloses that the lines of the line pattern have a distance from each other that are larger or smaller than the length of the screen pattern obtained by the frequency that controls the amplitude of the input laser power and thereby can create screen patterns of differing character. See fig. 5.

Claims 22-26 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trusiani in view of Kastalsky (US 2004/0245225)

Regarding claim 22, Trusiani discloses the claimed invention except for a film or foil with a screen pattern, in which the screen pattern has fineness proportional to the luminescence desired in different positions of the background and that the fineness is also proportional to the distance to

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the illuminated edge. However, Kastalsky teaches that a film 16 (para 0018, see fig. 1) or foil with a screen pattern, in which the screen pattern has fineness proportional to the luminescence desired in different positions of the background and that the fineness is also proportional to the distance to the illuminated edge. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Kastalsky in the invention of Trusiani in order to provide color and brightness to the sign.

Regarding the limitation of producing the screen pattern, the limitation is rejected as set forth in claim 21.

Regarding claim 23, Trusiani discloses that a first mounting device 18 (col. 2, line 35; see fig. 3), that is adapted to position and/or protect light emitting elements at or inside an edge portion of said electric sign.

Regarding claim 24, Trusiani discloses that said mounting device is a continuous element that is arranged along a main part of said edge portion.

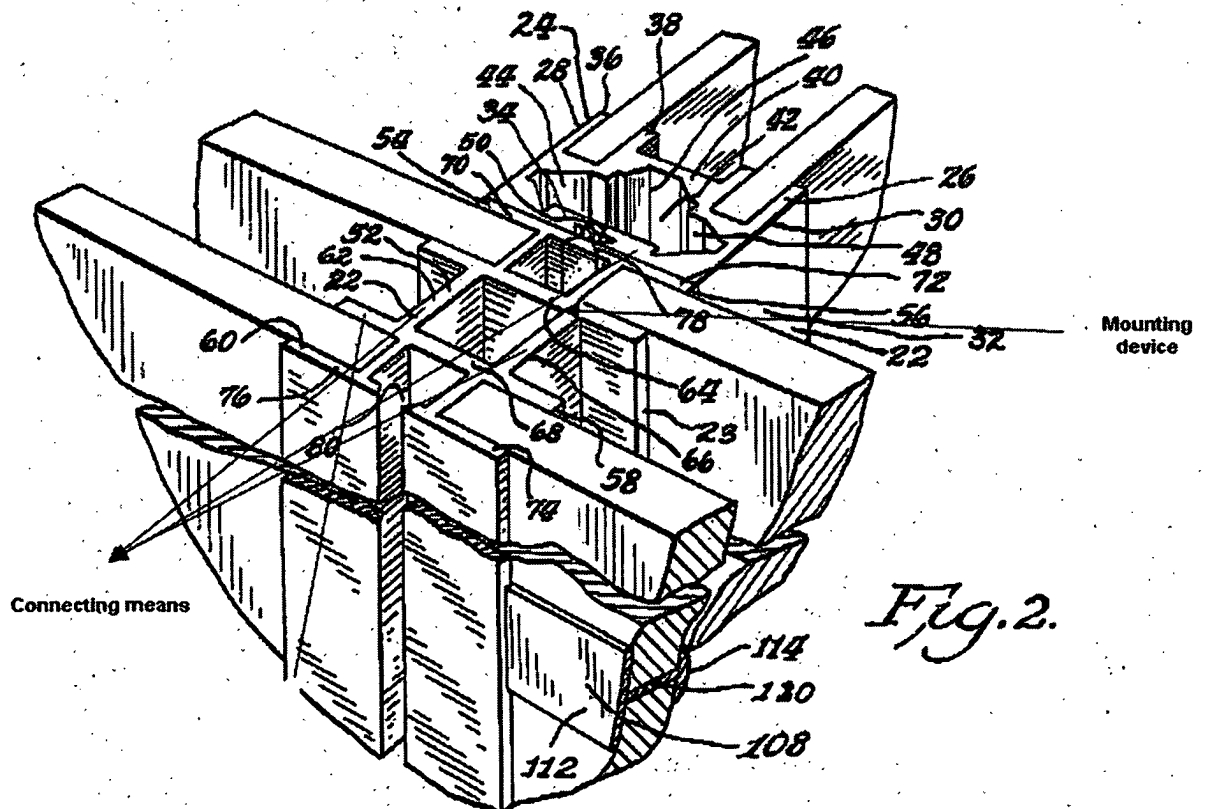
Regarding claim 25, Trusiani discloses that said mounting device is provided with at least one connecting means 22 (col. 2, line 38; see fig. 3), arranged to enable positioning of the electric sign at a desired location.

Regarding claim 26, Trusiani discloses that said connecting means is a male or female element 26, 28 (col. 2, line 39-40; see fig. 3) for interaction with an erecting device 12 (col. 2, line 23; see fig. 3) having a therefore adapted male or female element, for mounting of the electric sign.

Regarding claims 32-35, the claims are rejected as set forth in *Claim Rejections - 35 USC § 112*. Moreover, Trusiani discloses that the mounting device is a profile and extruded profile element, and the erecting device is also a profile and extruded profile element.

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trusiani in view of kastalsky as applied to claims 22-26 above, and further in view of Donovan (4,166,332).

Regarding claim 27, Trusiani as modified discloses the claimed invention except for said mounting device is provided with at least two connecting means, arranged at different angles in relation to each other. However, Donovan teaches that a mounting device is provided with at least two connecting means, arranged at different angles in relation to each other. See figure A below. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Donovan in the invention of Trusiani as modified for the purpose of supporting multiple sign at one point since it is inexpensive and easy.



### Figure A



Regarding claim 28, Trusiani as modified discloses the claimed invention except for said mounting device is provided with at least two connecting means displaced by 90°. However, Donovan teaches that mounting device is provided with at least two connecting means displaced by 90°. See figure A above. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Donovan in the invention of Trusiani as modified so that sign will not touch when they are in use.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trusiani in view of kastalsky as applied to claims 22-26 above, and further in view of Chao et al. (4,028,828).

Regarding claim 29, Trusiani as modified discloses the claimed invention except for said mounting device, at least at one of its end portions, is provided with a connector that is connected to said light-emitting elements. However, Chao et al. teach that a mounting device 21 (col. 2, line 21; see fig. 4), at least at one of its end portions, is provided with a connector 33 (col. 3, line 4; see fig. 5) that is connected to said light-emitting elements. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Chao et al. for the purpose of ganging up multiple illuminated signs together.

Regarding claim 30, Trusiani as modified discloses the claimed invention except for said mounting device is provided with connectors at both ends. However, Chao et al. teach that said mounting device is provided with connectors at both ends (col. 3, line 5-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Chao et al. for the purpose of ganging up multiple illuminated signs together.

Regarding claim 31, Trusiani as modified discloses the claimed invention except for said erecting device has at least one connector for interaction with said connector at said sign. However, Chao et al. teach that said erecting device 22 (col. 2, line 23; see fig. 4) has at least one connector 33 (col. 3, line 4; see fig. 5) for interaction with said connector at said sign. Therefore, it would have

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been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Chao et al. for the purpose of ganging up multiple illuminated signs together.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed A. Islam whose telephone number is (571) 272-7768. The examiner can normally be reached on Monday-Friday 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 3677

SI  
February 27, 2007

  
ROBERT J. SANDY  
PRIMARY EXAMINER

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